

Appl. No. 09/515,766
Arndt, Dated October 12, 2004
Reply to Office action of June 15, 2004
Attorney Docket No. P11150-US1
EUS/J/P/04-2133

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 1 and 14 and added claim 32; no new matter has been added by these amendments. Claims 1, 3, 5-15 and 18-32 are now pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Examiner Interview

The Applicants thank the Examiner for the telephonic interview conducted on Wednesday, October 5, 2004, during which agreement was reached concerning proposed amendments to the claims to distinguish them over the cited prior art. Those amendments are submitted in this response.

2.) Claim Rejections-35 U.S.C. §112

The Examiner rejected claims 1, 3 and 5-13 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, asserting that the claims contain subject matter not sufficiently described in the specification. Specifically, the Examiner asserts that the specification does not adequately describe base transceiver stations as being directly coupled to interface means for payload information exchange within the second layer, as recited in claim 1; claims 3 and 5-13 being rejected for dependence upon claim 1. The Applicants traverse the rejection.

With reference to Figure 1, the specification describes at page 9, line 25, that "on the second layer 4, the base transceiver station 8 is connected by means of a direct connection 11 or route, also called a through-connection, to a media gateway 10 of the interface means 20." And, with reference to Figure 2, the specification describes at page 16, line 13, that "the media gateway 10 can . . . forward data, payload or cell information . . . directly to the base transceiver station 8 via the direction connection 11." These portions of the specification, as well as others, specifically and sufficiently describe the claim limitation. The Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claims 1, 3 and 5-13.

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3.) Claim Rejections – 35 U.S.C. §102(e) / §103(a)

The Examiner rejected claims 14, 15 and 18-21 as being anticipated by Barany, and claims 1, 3 and 5-13 as being obvious in view of Barany. During a telephonic interview on Wednesday, October 5, 2004, agreement was reached concerning proposed amendments to the claims to distinguish them over Barany; to wit, claims 1 and 14 have been amended to provide that 1) the communication network is for voice telephone calls, wherein 2) the network has a packet switched protocol based cellular telephone network comprising a first layer for transferring only signalling information assigned to a telephone call being processed by the communication network, and 3) a second layer for transferring only payload information assigned to the telephone call. In view of those amendments, the Examiner stated that the claims would be distinguishable over the teachings of Barany.

The Applicants have added claim 32, which recites limitations analogous to those of claim 1, substituting "Base Station Subsystem" for "base transceiver station." In view of the agreement of the Examiner as to the allowability of claim 1, claim 32 is also not obvious in view of Barany.

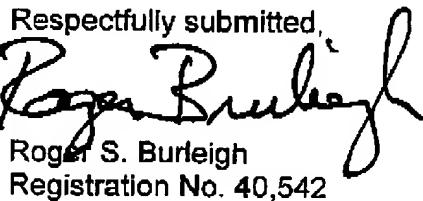
Whereas claims 3 and 5-13 are dependent from claim 1 and claims 15 and 18-31 are dependent from claim 14, and include the limitations of their respective base claims, those claims are also not obvious in view of Barany. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections under §§102(e), 103(a).

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CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1, 3, 5-15 and 18-32.

The Applicants requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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